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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,952	08/13/2004	Hsu-Feng Ho	22171-00022-US1	4951

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EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/710,952

Applicant(s)

HO, HSU-FENG

Examiner

Thang V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 5-10 is/are rejected.
- 7) ☒ Claim(s) 2 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5- are rejected under 35 U.S.C. 102(b) as being anticipated by Tateishi et al. (US 5,025,434).

Regarding claims 1 and 3, see Figs. 1-12 of Tateishi et al. which disclose a tracking servo apparatus for accurately trace a target comprising: subtracter (1) for performing a step of generating a tracking servo output signal(TE) for driving an optical pick-up head to arrive at a target track; circuit (5) for performing a step of determining an instantaneous level of the tracking servo output signal at the moment that the optical pick-up head was shifting to an adjoining off-track interval from an on-track interval of the target track (see Fig. 2); and circuit (2, 3) for performing a step of holding the tracking servo output signal at the instantaneous level till the optical pick-up head moves to the on-track interval of the target track.

Regarding claim 5, see Figs. 1-12 of Tateishi et al. which disclose a tracking servo apparatus for accurately trace a target comprising: a controller (1-7) for generating a tracking servo output signal; a signal-holding unit (2-3) capable of determining and holding a level of the tracking servo output signal; and a switch (4)for switching the tracking servo output signal to the signal-holding unit after an optical pick-up head of the optical disk drive arrives at an adjoining off-track interval from an on-track interval of a target track.

Regarding claim 6, see circuit 3 in Fig. 1 which is interpreted as the signal-holding unit

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further includes a pulse width modulation circuit for outputting an intermittent signal.

Regarding claim 7, see Fig. 7 which shows the signal-holding unit (71) is embedded in the controller (42).

Regarding claim 8, see switch 2 in Fig. 1 or switch 61 in Fig. 6 as the switch directly passes a driver the tracking servo output signal when the optical pick-up head dwells in the on-track interval of the target track.

Regarding claim 9, see switch 2 in Fig. 1 or switch 61 in Fig. 6 is controlled by signal from the controller.

Regarding claim 10, see switch 2 in Fig. 1 or switch 61 in Fig. 6 is embedded in the controller.

#### ***Allowable Subject Matter***

3. Claims 2 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 2 and 4 are allowable over the prior art of record because the prior art of record, considered alone or in combination, fails to suggest or fairly teach a combination all limitations and their respectively functional operations as particularly recited in claims 2 and 4.

#### ***Cited References***

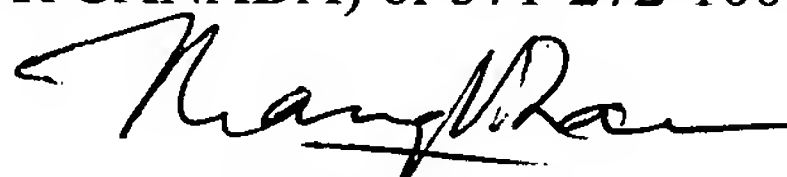
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to a tracking servo controller having a switch for selecting either a tracking error signal or a holding signal for driving an optical head.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Hoa can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thang V. Tran  
Primary Examiner  
Art Unit 2627